

REMARKS/ARGUMENTS

Favorable reconsideration of this application is respectfully requested.

Claims 21-24 and 27-39 are pending in this application. Claims 21-24 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. patent 6,492,633 to Nakazawa et al. (herein ("Nakazawa") in view of U.S. patent 4,918,262 to Flowers et al. (herein "Flowers"). Claims 27-38 were rejected under 35 U.S.C. § 103(a) as unpatentable over Nakazawa and Flowers as applied to claims 21-24, and further in view of JP 09319501 to Fumihiko et al. (herein "Fumihiko").

Initially, applicants note the outstanding Office Action has prematurely been made a final rejection. That is, the outstanding Office Action contains a new grounds for rejection that was not based on any amendment on the part of the applicant.

In the previous response filed September 23, 2005 no claim amendments were presented and claims 21-24 were rejected under 35 U.S.C. §103(a) as unpatentable over Nakazawa in view of Flowers in U.S. patent 6,225,986 to Sato et al. (herein "Sato"). The present rejection now contains a new grounds for rejection of claims 21-24 based only on Nakazawa and Flowers. Thus, a new grounds for rejection is presented that was not based on any amendment on the part of the applicants. Presenting such a new grounds for rejection in the final rejection is clearly improper. Therefore, the finality of the outstanding Office Action must be withdrawn. Applicants also note that in a discussion with Examiner Shapiro on February 28, 2006 Examiner Shapiro indicated the finality of the outstanding Office Action did appear to be in error and a communication indicating such would be issued.

Addressing now the above-noted prior art rejections, those rejections are traversed by the present response.

Initially, applicants note the comments in the Office Action setting forth reasons for maintaining the rejection are not at all clear.

In the previous response applicants set forth comments as to how the claims distinguished over the applied art, particularly distinguishing over cited teachings in the previously applied art to Sato. In the "Response to Amendment" section 3 on pages 5-6 of the Office Action an explanation appears to be given as to how Sato discloses certain claim features. However, Sato is no longer being applied against the claims, and thus the noted explanation is not clear as to its relevance. It appears that none of the cited art is being properly cited for all of the claim features.

Further, applicants respectfully submit the claims as currently written even further clarify features over the basis for the outstanding rejection.

The claims now clarify an operation such that a second threshold is set to be higher than a first threshold, which can provide a benefit of suppressing a trail ghost when a pointer is removed from a touch panel.

More particularly, the claims are directed to a coordinate input-detecting apparatus in which a pointer being inserted into a coordinate input-detecting area is detected when a value of digital data exceeds a first threshold value. A second threshold value can then be set to be higher than the first threshold value and is set based on a distance between the optical unit and the pointer. Further, coordinates from the digital data can then be calculated when the digital data exceeds the second threshold value.

With such a claimed structure, the first threshold can be set to generally detect the entrance of a pointer into a specific coordinate input-detecting area. Then, the second threshold, set at a higher level than the first threshold, narrows a range of the detection, i.e., is not as sensitive as the first threshold.

Such features as noted above are believed to be clearly neither taught nor suggested by the applied art.

The basis for the outstanding rejection appears to be completely misconstruing the features in the applied art. Neither of the applied art to Nakazawa nor Flowers discloses nor suggests detecting two different thresholds. The basis for the outstanding rejection to combine such teachings is believed clearly improper as neither Flowers nor Nakazawa discloses utilizing a first threshold for detecting insertion of a pointer into a coordinate input-detecting area and then utilizing a second higher threshold to calculate coordinates, and which has a higher value than the first threshold.

The outstanding Office Action appears to cite Nakazawa to disclose detecting a second threshold, but Nakazawa is not believed to disclosed any such feature.

More specifically, the claimed second threshold is set to be higher than a first threshold, and can be utilized to calculate coordinates of digital data when the second threshold is exceeded. Further, the second threshold calculates a distance between the optical unit and the pointer and is set in accordance with that calculated distance. Nakazawa does not disclose any such features.

That is, according to the above-noted claim features, a value of a second threshold is set in accordance with a distance between a pointer and an optical unit changes. For example as discussed in the present specification, a value of a second threshold can be set to decrease as the distance between an optical unit 5 and a designating device 4 increases, and as a specific non-limiting concrete example, a light receiving level of a light receiving element 13 can be 10 (black) when the distance between the optical unit 5 and the designating device is 100 mm and 200 when the distance is 200 mm.<sup>1</sup>

Thus, in the noted claim features the value of the second threshold is set based on a physical distance between a pointer and optical unit.

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<sup>1</sup> See for example the present specification at page 19, line 12 *et seq.*

That feature is believed to clearly distinguish over Nakazawa. At column 9, lines 51-53 Nakazawa discloses that the threshold value Ref can decrease as a scanning angle becomes smaller, i.e., as the elapsed time from the start of an optical scanning becomes longer. However, that feature in Nakazawa is not related to the distance between the pointer and the optical unit. The claim features are not directed to an elapse of a time from a start of an optical scanning, but instead to a physical distance between a pointer and an optical unit. The above-noted teachings in Nakazawa are not believed to correspond to the claim features.

In that respect applicants also note dependent claim 39 even further defines that “said second threshold is decreased as the distance between the pointer and optical unit is increased.” That feature is fully supported by the original specification as discussed above and is believed to even further distinguish over Nakazawa.

In such ways, the basis for the outstanding rejection is traversed as Nakazawa does not disclose the calculation of the second threshold as claimed.

Moreover, applicants respectfully submit that even if the teachings of Nakazawa and Flowers were combined in the manner suggested in the Office Action, that would not suggest all the claimed features in which the second threshold is set to be higher than the first threshold and is utilized after a first threshold is exceeded. As noted above Nakazawa merely discloses setting a threshold, although not even the same threshold as the claimed second threshold, and Flowers discloses setting a same type of threshold. Neither Nakazawa or Flowers teach or suggest setting a second threshold that is higher than the first threshold and that is utilized after a first threshold is exceeded.

Thus, even if the teachings of Nakazawa and Flowers were combined in the manner suggested in the Office Action no second threshold as claimed would be set.

In such ways, the claims as currently written are believed to clearly distinguish over Nakazawa in view of Flowers.

Moreover, no teachings in Fumihiko are believed to cure the above-noted deficiencies of Nakazawa in view of Flowers.

Applicants also reiterate that the "Response to Amendment" section on page 6 of the Office Action still cites Sato in a manner that is not at all understood.

In view of the foregoing comments applicants respectfully submit the claims as currently written clearly distinguish over the applied art.

As no other issues are pending in this application, it is respectfully submitted that the present application is now in condition for allowance, and it is hereby respectfully requested that this case be passed to issue.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



Customer Number  
**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
GJM/SNS:sjh

\_\_\_\_\_  
Gregory J. Maier  
Registration No. 25,599  
Surinder Sachar  
Registration No. 34,423  
Attorneys of Record